

H.561

Introduced by Representative Nuovo of Middlebury

Referred to Committee on

Date:

Subject: Conveyances of real estate; common interest property; agriculture;
laying hens

Statement of purpose of bill as introduced: This bill proposes to provide that no deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting the keeping of fewer than six laying hens on lots or parcels covered by the deed restrictions, covenants, or binding agreements. It also proposes to provide that a declaration or bylaw of a common interest property may be amended by a 51 percent vote of the association of owners.

An act relating to deed restrictions and common interest properties

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 27 V.S.A. § 545 is added to read:

§ 545. LAYING HENS

(a) No deed restrictions, covenants, or similar binding agreements running with the land shall prohibit or have the effect of prohibiting the confinement, feeding, fencing, or watering of fewer than six laying hens on the lots or

1 parcels covered by the deed restrictions, covenants, or binding agreements.

2 A property owner may not be denied permission to confine, feed, fence, or

3 water fewer than six laying hens by an entity granted the power or right in any

4 deed restriction, covenant, or similar binding agreement to approve, forbid,

5 control, or direct alteration of property with respect to residential dwellings.

6 For purposes of this subsection, that entity may determine the specific location

7 and enclosure requirements where laying hens may be kept, provided that this

8 determination does not impair the right of the property owner.

9 (b) In any litigation arising under the provisions of this section, the

10 prevailing party shall be entitled to costs and reasonable attorney's fees.

11 (c) This section applies to deed restrictions, covenants, or similar binding

12 agreements created after the effective date of this section.

13 Sec. 2. 27A V.S.A. § 2-117(a) is amended to read:

14 (a) Except in cases of amendments that may be executed by a declarant

15 under subsection 2-109(f) or section 2-110 of this title, or the association under

16 subsection 2-106(d), 2-108(c), and 2-112(a) or section 2-113 of this title, or

17 by certain unit owners under subsections 2-108(b), 2-112(a), 2-113(b), or

18 2-118(b) of this title, and except as limited by other subsections of this section,

19 the declaration, including any plats and plans, may be amended only by vote or

20 agreement of unit owners of units to which at least ~~67~~ 51 percent of the votes

21 in the association is allocated unless the declaration specifies a different

1 percentage for all amendments or for specific subjects of amendment. If the
2 declaration requires the approval of another person as a condition of its
3 effectiveness, the amendment is not valid without that approval.

4 Sec. 3. 27A V.S.A. § 3-106(c) is added to read:

5 (c) Bylaws may be amended only by vote or agreement of unit owners of
6 units to which at least 51 percent of the votes in the association is allocated.

7 Sec. 4. EFFECTIVE DATE

8 This act shall take effect on passage.